From: Michael Wittman
To: Microsoft ATR
Date: 1/27/02 5:35pm
Subject: Microsoft Settlement

As a software engineer with 11 years experience developing software for Microsoft Windows and other operating systems, I'd like to comment on the Proposed Final Judgement in United States vs. Microsoft.

I belive that the proposed settlement is not in the public interest. In fact, it is so seriously flawed and full of loopholes that it would allow Microsoft to continue its anticompetitive business practices virtually unchanged. Even worse, these practices would then have the imprimatur of the United States government, resulting in even less competition in the market for operating systems.

Many significant loopholes in the proposed settlement are evident in the definitions of various terms. It is troubling to note that several definitions adopted in the Findings of Fact have been watered down to the benefit of Microsoft. For example, "API" is defined in the proposed setttlement to mean interfaces between Microsoft Middleware and Microsoft Windows. However, the same term is defined in the Findings of Fact as the interfaces between application programs and the operating system. Curiously, the latter definition is the one actually used in industry, while the former is the one proposed by the government and Microsoft.

While this difference in definition may seem trivial to layperson, its inclusion would have a very serious effect on the ability to interoperate with software produced by Microsoft. It could permit Microsoft to restrict the release of information needed to use fundamental operating system functions such as application installation, which would make it difficult for parties not favored by Microsoft to compete with its operating system.

Another troubling aspect of the settlement also relates to APIs and is detailed in section III. J. 1. It describes exceptions to the required release of API information which would effectively give Microsoft carte blanche to make any APIs it disclosed unusable to competitors. It could do this by integrating encryption or security functionality with any API, even if that functionality was purely superfluous to the main purpose of the API. By integrating this functionality in such a way that it had to be used in order to make use of the remaining parts of the API, the entire API could be made unusable to competitors.

For these reasons and many others, I strongly believe that the proposed settlement is not in the public interest and should be rejected by the court.

Sincererely,
Michael Wittman